

79-5-101. Title.

This chapter is known as "Recreational Trails."

Enacted by Chapter 344, 2009 General Session

79-5-102. Definitions.

As used in this chapter:

- (1) "Board" means the Board of Parks and Recreation.
- (2) "Council" means the Recreational Trails Advisory Council.
- (3) "Division" means the Division of Parks and Recreation.
- (4) "Recreational trail" or "trail" means a multi-use path used for:
 - (a) muscle-powered activities, including:
 - (i) bicycling;
 - (ii) cross-country skiing;
 - (iii) walking;
 - (iv) jogging; and
 - (v) horseback riding; and
 - (b) uses compatible with the uses described in Subsection (4)(a).

Renumbered and Amended by Chapter 344, 2009 General Session

79-5-103. Division to plan and develop recreational trails in cooperation with public and private entities -- Priorities.

(1) The division shall plan and develop a recreational trail system throughout the state that:

- (a) provides for outdoor recreation needs; and
- (b) facilitates access to, travel within, and enjoyment and admiration of the outdoors.

(2) To assure that an integrated trails network is achieved, the division shall coordinate the planning and development of trails with:

- (a) federal land management agencies;
- (b) local governments;
- (c) private landowners; and
- (d) state agencies.

(3) The division shall give priority to establishing trails that:

- (a) cross public lands;
- (b) are in proximity or accessible to urban areas;
- (c) implement rail-to-trail conversions pursuant to the National Trails System

Act, 16 U.S.C. Sec. 1241 et seq.;

- (d) provide linkage to existing trails; and
- (e) provide linkage or access to natural, scenic, historic, or recreational areas of statewide significance.

Renumbered and Amended by Chapter 344, 2009 General Session

79-5-201. Recreational Trails Advisory Council.

- (1) The division shall establish a Recreational Trails Advisory Council.
- (2) The council shall advise and make recommendations to the board and division regarding:
 - (a) trails to be established;
 - (b) facilities to be constructed;
 - (c) development costs;
 - (d) modes of travel permitted;
 - (e) law enforcement;
 - (f) selection of rights-of-way;
 - (g) interlocal agreements;
 - (h) selection of signs and markers;
 - (i) the general administration of trails;
 - (j) distribution of matching funds pursuant to Section 79-5-501; and
 - (k) future funding mechanisms for trail development.

Renumbered and Amended by Chapter 344, 2009 General Session

79-5-202. Council membership -- Expenses.

- (1) The council shall consist of 10 members knowledgeable about muscle-powered recreational activities as follows:
 - (a) five members shall represent the public at large;
 - (b) one member, nominated by the Utah League of Cities and Towns, shall represent city government;
 - (c) one member, nominated by the Utah Association of Counties, shall represent county government;
 - (d) one member shall represent the United States Forest Service;
 - (e) one member shall represent the Bureau of Land Management; and
 - (f) one member shall represent the National Park Service's River, Trails, and Conservation Assistance Program.
- (2) (a) Except as required by Subsection (2)(b), as terms of current council members expire, the division shall appoint each new member or reappointed member to a four-year term.
 - (b) Notwithstanding the requirements of Subsection (2)(a), the division shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.
- (3) The council shall elect annually a chair and a vice chair from its members.
- (4) When a vacancy occurs in the membership for any reason, the division shall appoint the replacement for the unexpired term.
- (5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 256, 2010 General Session
Amended by Chapter 286, 2010 General Session

79-5-301. Guidelines for the establishment of trails.

In establishing trails, the division shall:

- (1) develop and manage the trails to harmonize with and complement any existing or planned land uses;
- (2) locate and design trails according to an overall plan that provides for:
 - (a) interconnecting routes, where feasible; and
 - (b) consideration of safety; and
- (3) select trails to minimize adverse effects on:
 - (a) an adjacent landowner or user and the landowner's or user's property or operations;
 - (b) wildlife; and
 - (c) the natural environment.

Renumbered and Amended by Chapter 344, 2009 General Session

79-5-302. Recreational trail categories.

The division may plan and develop the following categories of recreational trails as part of the state trails system:

- (1) cross-state trails that connect scenic, natural, historic, geologic, geographic, or other significant features;
- (2) water-oriented trails that provide a path to or along lakes, streams, or reservoirs;
- (3) scenic-access trails that give access to recreation, scenic, natural, historic, or cultural areas;
- (4) urban trails that connect parks, scenic and natural areas, historical sites, and neighboring communities within a county of the first or second class; and
- (5) interpretive trails that identify:
 - (a) historic routes; and
 - (b) significant natural features.

Renumbered and Amended by Chapter 344, 2009 General Session

79-5-303. Establishment of uniform signs and markers.

The division, in consultation with appropriate federal, state, and local government agencies and private organizations, shall establish uniform signs and markers for the system of recreational trails.

Renumbered and Amended by Chapter 344, 2009 General Session

79-5-304. Public hearings required.

- (1) Prior to establishing any recreational trail under the jurisdiction and control of the division, the division shall conduct a public hearing in the area or areas of the state where the trail is proposed to be located.

- (2) Information to be considered at the hearings shall include the following:
- (a) the proposed route of the trail and the recommended modes of travel to be permitted on it;
 - (b) any plans to utilize areas adjacent to the trail for scenic, historic, natural, cultural, or developmental purposes;
 - (c) the characteristics that, in the judgment of the division, make the proposed trail suitable as a recreational trail;
 - (d) the current status of land ownership and the current and potential use of land along the designated route;
 - (e) the estimated cost of acquisition of lands or any interest in lands;
 - (f) the plans and estimated costs for developing and maintaining the trail;
 - (g) any plans for sharing the costs of developing, operating, and maintaining the trail among state, federal, and local governmental entities and private organizations;
 - (h) any anticipated problems of policing the trail; and
 - (i) any anticipated hazards to private lands adjacent to the trail.

Renumbered and Amended by Chapter 344, 2009 General Session

79-5-401. Cooperative agreements.

The division may enter into cooperative agreements with federal, state, or local governmental entities, private landowners, or private corporations that specify the responsibilities of each entity for the development, operation, and maintenance of trails, including law enforcement along trails.

Renumbered and Amended by Chapter 344, 2009 General Session

79-5-501. Grants -- Matching funds requirements -- Rules.

(1) (a) The board may give grants to federal government agencies, state agencies, or local governments for the planning, acquisition, and development of trails within the state's recreational trail system with funds appropriated by the Legislature for that purpose.

(b) (i) Each grant recipient must provide matching funds having a value that is equal to or greater than the grant funds received.

(ii) The board may allow a grant recipient to provide property, material, or labor in lieu of money, provided the grant recipient's contribution has a value that is equal to or greater than the grant funds received.

(2) The board shall:

(a) make rules setting forth procedures and criteria for the awarding of grants for recreational trails; and

(b) determine to whom grant funds shall be awarded after considering the recommendations of and after consulting with the council and the division.

(3) Rules for the awarding of grants for recreational trails shall provide that:

(a) each grant applicant must solicit public comment on the proposed recreational trail and submit a summary of that comment to the division;

(b) each trail project for which grant funds are awarded must conform to the criteria and guidelines specified in Sections 79-5-103, 79-5-301, and 79-5-302; and

(c) trail proposals that include a plan to provide employment opportunities for youth, including at-risk youth, in the development of the trail is encouraged.

(4) As used in this section, "at-risk youth" means youth who:

(a) are subject to environmental forces, such as poverty or family dysfunction, that may make them vulnerable to family, school, or community problems;

(b) perform poorly in school or have failed to complete high school;

(c) exhibit behaviors that have the potential to harm themselves or others in the community, such as truancy, use of alcohol or drugs, and associating with delinquent peers; or

(d) have already engaged in behaviors harmful to themselves or others in the community.

Renumbered and Amended by Chapter 344, 2009 General Session

79-5-502. Donations.

The division may receive, from any person, donated funds, property, or services for specified or nonspecified uses associated with the planning, acquisition, development, and administration of recreational trails.

Renumbered and Amended by Chapter 344, 2009 General Session

79-5-503. Bonneville Shoreline Trail Program.

(1) There is created the Bonneville Shoreline Trail Program.

(2) The program shall be funded from the following sources:

(a) appropriations made to the program by the Legislature; and

(b) contributions from other public and private sources.

(3) All money appropriated to the Bonneville Shoreline Trail Program is nonlapsing.

(4) The Bonneville Shoreline Trail is intended to:

(a) follow on or near the old Lake Bonneville shoreline terrace near the foot of the Wasatch Mountains from Juab County through Cache County; and

(b) provide continuous and safe trails.

(5) (a) The program money shall be used to provide grants to local governments for the planning, development, and construction of the Bonneville Shoreline Trail.

(b) Grant recipients shall provide matching funds in accordance with Section 79-5-501.

Amended by Chapter 342, 2011 General Session